

FRIEDMAN, JAMES & BUCHSBAUM LLP
Bernard D. Friedman (bfriedman@friedmanjames.com)
John P. James (jjames@friedmanjames.com)
Andrew V. Buchsbaum (abuchsbaum@friedmanjames.com)
Attorneys for Plaintiff
15 Maiden Lane, Suite 1202
New York, NY 10038
(212) 233-9385

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
MICHAEL J. STUMBO,

Civil Action No:

Plaintiff,

-against-

CITY OF NEW YORK,

Defendant.
-----x

COMPLAINT

**SEAMAN'S CASE UNDER
THE JONES ACT FOR
PERSONAL INJURIES**

**SUITS UNDER SPECIAL RULE FOR SEAMEN TO
SUE WITHOUT SECURITY OR PREPAYMENT OF
FEES FOR THE ENFORCEMENT OF THE LAWS
OF THE UNITED STATES, COMMON AND STAT-
UTORY FOR THE PROTECTION OF AND FOR
THE HEALTH AND SAFETY OF SEAMEN AT SEA**

Plaintiff MICHAEL J. STUMBO, complaining of the defendant CITY OF NEW YORK, by his attorneys FRIEDMAN, JAMES & BUCHSBAUM LLP, respectfully alleges as follows:

FIRST COUNT

1. At all times hereinafter mentioned, defendant CITY OF NEW YORK was a municipal corporation with offices within the State and City of New York.

2. At all times and dates hereinafter mentioned, defendant CITY OF NEW YORK owned the vessels LAUNCH 5 and LAUNCH 311.

3. At all times hereinafter mentioned, defendant CITY OF NEW YORK operated the vessels LAUNCH 5 and LAUNCH 311.

4. At all the times and dates hereinafter mentioned, defendant CITY OF NEW YORK controlled the vessels LAUNCH 5 and LAUNCH 311.

5. At all times, dates and places hereinafter mentioned, the plaintiff was a member of the crew of a fleet of vessels owned by defendant, including the vessels LAUNCH 5 and LAUNCH 311, and an employee of the defendant.

6. That on or about May 10, 2020, without any fault on the part of the plaintiff, and wholly and solely by reason of the negligence, recklessness and carelessness of the defendant CITY OF NEW YORK, its agents, servants and/or employees, and by reason of the unseaworthiness of its vessel LAUNCH 311, the plaintiff was caused to sustain injuries while attempting to shut off a generator aboard LAUNCH 311 due to a corroded and otherwise unsafe generator sliding tray while said vessel was in navigable waters off of Cross Bay Boulevard, Queens, New York.

7. As a result of the foregoing, the plaintiff was rendered sick, sore, lame and disabled and sustained severe permanent personal injuries, including but not limited to right ring finger A2, A3, and A4 pulley ruptures requiring surgical intervention involving right ring finger pulley reconstruction with cadaver gracilis tendon, was and is internally and externally disabled causing him to suffer pain, and for a time he was prevented from attending to his daily labors, thereby losing sums of money which he otherwise would have earned as wages, and has endeavored to be cured of his injuries, and has expended sums of money to maintain himself, and will continue to endure pain and suffering, all to his damage.

8. By reason of the foregoing, plaintiff has been damaged in the sum of FIVE MILLION (\$5,000,000.00) DOLLARS.

SECOND COUNT

9. Plaintiff repeats and realleges each and every allegation of the First Count in this Complaint as if fully set forth at length herein.

10. Plaintiff is entitled to maintenance, cure, and medical expenses for the period that he was disabled and unable to work in the total sum of FIVE HUNDRED THOUSAND (\$500,000.00) DOLLARS.

WHEREFORE, plaintiff MICHAEL J. STUMBO demands judgment against defendant CITY OF NEW YORK in the First Count in the sum of FIVE MILLION (\$5,000,000.00) DOLLARS; and in the Second Count in the sum of FIVE HUNDRED THOUSAND (\$500,000.00) DOLLARS; together with interest and costs.

Dated: New York, New York
August 3, 2022

FRIEDMAN, JAMES & BUCHSBAUM LLP
Attorneys for Plaintiff

By:



Andrew V. Buchsbaum
15 Maiden Lane Suite 1202
New York, NY 10038
(212) 233-9385
abuchsbaum@friedmanjames.com